

Board of Elections
Notice of Public Hearing to Adopt Rules

A public hearing will be held in room 464, State Capitol, 500 East Capitol Ave., Pierre, SD 57501, on May 8, 2007 at 12:00 p.m., to consider the adoption of proposed rules numbered:

- (1) 5:02:03:21, 5:02:05:22, 5:02:06:01, 5:02:06:01.02, 5:02:06:03, 5:02:06:13, 5:02:08:00.01, 5:02:08:01, 5:02:08:05, 5:02:08:05.01, 5:02:08:07, 5:02:08:08, 5:02:08:09, 5:02:08:20, 5:02:09:01.02, 5:02:09:02, 5:02:09:04.03, 5:02:09:04.04, 5:02:09:05, 5:02:09:13, 5:02:09:22, 5:02:10:01, 5:02:10:01.03, 5:02:10:05, 5:02:10:08, 5:02:16:17.01, 5:02:16:17.02, 5:02:16:37, 5:02:16:38, 5:02:16:39 for amendment; 5:02:06:03.01 for repeal; 5:02:08:00.04 and 5:02:08:00.05

The effects of the rules are to amend the form for registering without a South Dakota driver license or Social Security Number; amend the provisional ballot envelope statement to include date of birth and South Dakota driver license number of Social Security Number; amend the format of the general election ballot into an optical scan ballot layout; clarify the instructions to voters that are placed on optical scan ballots; clarify the vote for number on judiciary ballots; repeal the supreme court retention ballot format since this is always printed on the general election optical scan ballot; add an additional recitation of the effect of a "Yes" or "No" vote on a municipal questions election ballot; amend the requirements for counting signatures on petitions; add a new rule for validity of petition signatures when signer has signed more petitions than offices to be nominated; add a new rule outlining the methodology for conducting the random sample for statewide ballot question petitions; amend the partisan election petition, petition for independent candidates, declaration of candidacy of independent candidates; amend the statewide initiative, referendum and constitutional amendment petitions by adding a new verification of circulator section; amend the certificate of nomination for independent presidential electors by removing the party affiliation requirement; amend the test of tabulating equipment by clarifying the process; amend the approval of automatic tabulating systems by removing an organization name that no longer approves the voting equipment on the federal level; amend the arrangements for and conduct of voting in precincts where automatic tabulating systems used to clarify the sealing of the ballot box; amend the tabulation procedures to indicate how the resolution board determines a mark on the ballot; amend the recount procedure by adding a new envelope for placement of excess ballots; direct the recount board to the rules for determining what constitutes a vote and allow the recount board to conduct additional tests of the tabulation equipment; amend the wording on the envelope for official returns; clarify what constitutes an optical scan vote; amend the application for absentee ballot to include the personal identification affidavit option for voting absentee in the office of the person in charge of the election; amend the official return envelope by removing an old effective date reference and increasing the amount of the fine for impersonating a registered voter; amend the envelopes used with voting service and overseas ballot to be in the proper format of the federal regulations and increase the fine amount for impersonating a registered voter; amend the language for write-in ballot determination; clarify what constitutes a hand counted paper ballot vote; clarify the sealing of the ballot box process; repeal the use of paper seals on ballot box and amend the form of the paper seal.

The reasons for adopting the rules are to comply with statutory changes.

Persons interested in presenting data, opinions, and arguments for and against the proposed rules may do so by appearing in person at the hearing or by sending them to the Secretary of State, 500 E. Capitol, Pierre, SD 57501. Material sent by mail must reach the Secretary of State on or before May 4, 2007 in order to be taken into consideration. The board may modify or amend a proposed rule to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Secretary of State at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3537.

Copies of the proposed rules are available at <http://www.sdsos.gov/electionsvoteregistration/boardofelections.shtm> or may be obtained without charge from the Election Department, Secretary of State's Office, 500 E. Capitol, Pierre, 57501.